

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROMAN DE GABRIEL RIVERA,

Plaintiff,

-against-

LETTIRE CONSTRUCTION CORP., et al.,

Defendants.

21-CV-6006 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

For the reasons stated on the record at the November 17, 2023 hearing, defendants' motion for summary judgment is **GRANTED IN PART and DENIED IN PART**. Dkt. 175.

The motion is **DENIED** with respect to:

- Moore Group's status as a "special employer"
- Claims against Moore Group and Lettire Construction under N.Y. Labor L. § 200 and common-law negligence
- Claims under N.Y. Labor L. § 241(6) as it relates to:
 - 12 NYCRR 23-1.7(b)(1)(i), (iii)
 - 12 NYCRR 23-1.7(d)
 - 12 NYCRR 23-1.21(b)(5)(ii)
- Claim under N.Y. Labor L. § 240(1)

The motion is **GRANTED** with respect to:

- Claims against Mott Center, Redfern FRP LLC, Phipps Houses, Rockaway Village III, and FRV Phase 3 LIHTC LLC under N.Y. Labor L. § 200 and common-law negligence

- Claims under N.Y. Labor L. § 241(6) as it relates to:
 - 12 NYCRR 23-1.5(c)(1)
 - 12 NYCRR 23-1.11(a)
 - 12 NYCRR 23-1.21(b)(3)

For the reasons stated on the record at the November 17, 2023 hearing, plaintiff's motion for partial summary judgment is **DENIED**. Dkt. 177.

The Clerk of Court is respectfully directed to terminate the motions at Dkts. 175 and 177.

SO ORDERED.

Dated: November 20, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge